

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600
(www.montgomerycountymd.gov/mc/council/board.html)**

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 5, 2003, 1:30 P.M.

ACTION ITEM:

1. **A-5849, Petition of Ross S. and Madeline Y. J. Quan** (new single-family dwelling).
Letter to the Board from the petitioners withdrawing the variance request and requesting a refund of the filing fee.

Action: (1) Dismissed the petition as withdrawn; (2) refund 50% (\$110.50) of the filing fee, (LLM/AMC, 5-0).

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
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WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 5, 2003, 1:30 P.M.

ACTION CALENDAR:

1. **Minutes**, January 22, 2003 Worksession.

Action: Approved, (LLM/AIF, 4-0).

2. **A-5797, Appeal of George T. Myers** (Historic Preservation – Historic Area Work Permit No. 31/601J). Letter from appellant withdrawing appeal.

Action: (1) Dismissed appeal as withdrawn; (2) granted 50% (\$83.00) refund of the filing fee, (AIF/LLM, 4-0).

3. **A-5803, A-5804, A-5805, Appeals of Westwood Mews Homeowners Association, Westbard Mews Condominium Association, Citizens Coordinating Committee of Friendship Heights, Inc., Joint Committee on the Westbard Plan and Springfield Civic Association** (Department of Permitting Services (DPS) – Issuance of Use and Occupancy Certificate Nos. 212665, 212662, 212663). Letter from Norman G. Knopf, Esquire, requesting dismissal of the appeals and a refund of the filing fees.

Action: (1) Dismissed appeals as withdrawn; (2) granted 50% (\$828.00) refund of the filing fees, (AIF/LLM, 4-0).

4. **A-5840, Appeal of Harry St. Ours** (Department of Permitting Services (DPS) - Issuance of Building Permit No. 278281). Letter from Kenneth B. Tecler, Esquire, requesting dismissal of the appeal and a refund of the filing fee.

Action: (1) Dismissed appeal as withdrawn; (2) granted 50% (\$83.00) refund of the filing fee, (AIF/AMC, 4-0).

5. **A-5852, Appeal of David H. Remes** (Department of Permitting Services – Issuance of Building Permit No. 291437). Letter from David W. Brown, Esquire, requesting Board-ordered discovery and a subpoena.

Action: Item deferred until worksession of 2/12/03.

6. **CBA-961, Petition of Bethesda Community School** (private educational institution). Letter to the Board from Paul T. Glasgow, Esquire, requesting an administrative modification.

Action: The Board confirmed that the special exception is a child daycare facility, (LLM/AMC, 4-0).

7. **CBA-2196, Petition Chevron U.S.A.** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Yum Yu Cheng, Esquire, requesting a transfer and an administrative modification. (Large exhibits: concept plan, survey and plot plan).

Action: Item referred to M-NCPPC for review of the landscape, the lighting and the lot size and for DPS review of the signage, consensus

8. **CBA-2620-A, Petition of Garden Gate Landscaping, Inc.** (retail horticultural nursery). Letter to Board from Rolf Nieman requesting additional information.

Action: Item deferred for response from the petitioner's attorney, consensus.

9. **S-570, Petition of Izaak Walton League** (outdoor rifle range). Letter to the Board from Helen Lynn Primo, Esquire, regarding discrepancies in the Board's Resolution and the public hearing. Also included is a letter from Daniel C. King.

Action: (1) Re-opened record to include Ms. Primo and Mr. King's letters; (2) schedule annual review hearing (4/23/03 @ 9 a.m.); (3) Board will the record at the review hearing, (LLM/AIF, 4-0).

10. **S-577, Petition of Suburban Hospital, Inc.** (hospital). Letter to the Board from Brian A. Gragnolati, President and CEO, requesting an administrative modification.

Action: Granted administrative modification, (AMC/LLM, 4-0).

11. **S-715-A, Petition of Town and Country Animal Clinic** (veterinary hospital). Letter to the Board from John R. Barr, Esquire, requesting to amend the special exception petition.

Action: Granted amended to the special exception petition, (AMC/AIF, 4-0).

12. **S-1894, Petition of Batsheva Avissar** (accessory apartment). Letter to the Board requesting transfer of the special exception.

Action: Granted transfer of the special exception, (LLM/AMC, 4-0).

13. **S-2050, Petition of Oswaldo and Ada Aguilar** (accessory apartment). Letter to the Board from Lynn McCreary, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from Arunee Soprakone, current property owner.

Action: Revoked special exception as abandoned, (LLM/AMC, 4-0).

14. **S-2533, Petition of Phyllis L. Childers** (major home occupation). Staff requests direction from the Board as to how it wishes to proceed on the parking waiver request.

Action: (1) Re-opened the record to include Mr. and Mrs. Childers' letter, (2) Board to request review by M-NCPPC of the parking waiver; (LLM/AIF, 4-0).

REQUEST:

15. Letter from John R. Barr, Esquire, with a request for presentation of cases.

Action: No Board action required.

DECISION ITEMS:

16. **CBA-2091-A, Petition of Montgomery Square-Copenhaver Swim Club** (community swimming pool). Hearing Examiner's Report and Recommendation. Also included are the Amended MS-C Swim Club bylaws.

Action: (1) Re-opened record to include the amended bylaws; (2) adopted the Hearing Examiners Report and Recommendation and granted the special exception, (AIF/AMC, 4-0).

17. **S-2506, Petition of East Coast Landscape, Inc.** (landscape contractor). Hearing Examiner's Report and Recommendation.

Action: Item deferred until 2/12/03 worksession.

18. **S-2534, Petition of Lorne and Anne Hofseth** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Board granted special exception 1/22/03 worksession.

19. **S-2536 [A-5792], Petition of Manor House at Sligo Creek, Inc.** (domiciliary care home). Letter to the Board from Robert G. Brewer, Jr., requesting to re-open the record. Also included is the Hearing Examiner's Report and Recommendation.

Action: (1) Re-opened the record to include Mr. Brewer's letter ; (2) Adopted the Hearing Examiner's Report and Recommendation and granted the special exception with conditions, (AIF/LLM, 4-0).

20. **S-2540, Petition of Sprint PCS, APC Realty and Equipment and Goshen United Methodist Church** (public utility buildings, public utility structures and telecommunications facilities). Hearing Examiner's Report and Recommendation.

Action: Adopted the Hearing Examiner's Report and Recommendation and granted the special exception with conditions, (LLM/AMC, 4-0).

PENDING ITEMS:

21. **CBA-802, Petition of Donald E. and Evelyn C. Golladay** (animal boarding), **CBA-1211, Petition of Donald E. Golladay** (animal boarding), **CBA-1496, Petition of Evelyn C. Golladay** (animal boarding and breeding kennel), **CBA-2447, Petition of Evelyn C. Golladay** (animal boarding), **CBA-2917, Petition of Evelyn C. Golladay** (animal boarding), **S-224, Petition of Evelyn C. Golladay** (animal boarding), **S-425, Petition Evelyn Golladay** (animal boarding). Letter to the Board from Stanley N. Garber, Investigator, requesting that the special exceptions have been abandoned and requesting that they be revoked. Item deferred for additional information from petitioner.

PENDING ITEMS (continued):

22. **CBA-2180 and S-254, Petition J. H. Burton and Sons, of Hyattsville, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Kevin P. Fay, Esquire, requesting the record to be re-opened to admit a June 11, 1999 site plan.
23. **CBA-2640, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Board requested a review and recommendation from M-NCPPC.
24. **CBA-2094, Petition of Abdollah Malekzadeh** (trailer park). Hearing Examiner's Report and Recommendation. Item deferred until the Board action on request for oral argument.
25. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). Item deferred for review of the landscape/lighting plan and the parking plan by M-NCPPC.
26. **CBA-3014, Petition of Steuart Petroleum Company** (automobile filling station). Letter to the Board from Patricia A. Harris, Esquire, requesting a transfer and an administrative modification. (Large exhibit: site plan). Item deferred until the Board's worksession to be held on February 19, 2003.
27. **S-334, Petition of Dr. David S. Irwin and Dr. Eric J. Hanson** (non-resident medical practitioner). Letter from Steven Rehabber, M.D. and Maureen Donnelly, M.D., requesting a transfer of the special exception. Request for petitioners include a statement of operations, consensus.
28. **S-411-D, Petition of The French International School**, (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred until February 5, 2002 worksession for revised site plan. Petitioner to establish liaison community committee.
29. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.
30. **S-862-A, Federation of American Societies for Experimental Biology** (private education institution. Annual update to the Board. (1) Re-opened the record to include the annual update; (2) Board to request supplemental information from the Federation; (3) item to return to worksession once supplemental information received.
31. **S-1578, [S-1578-A], Petition of Paul Meyers and Judy L. Feinberg** (non-resident professional office). Letter to the Board from Stephen J. Orens, Esquire, requesting a transfer and an administrative modification. Item deferred for review by M-NCPPC Technical Staff.
32. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.

PENDING ITEMS (continued):

33. **S-1743, Petition of Kentucky Fried Chicken** (drive-in restaurant). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Board requested MNCPPC recommendation.
34. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.
35. **S-1785, Petition of Mardirossian Family Enterprises** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred to provide notice to prior and current owners of the property.
36. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman - ABSENT
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

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